

Panaji, 4th March, 2005 (Phalguna 13, 1926)

SERIES II No. 49

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 3

#### GOVERNMENT OF GOA

Department of General Administration

#### Notification

No. 27/1/2005-GAD-II

The following Notification together with Order made by the President of India on 4th March, 2005 are hereby republished for general information of public.

B. S. Kudalkar, Under Secretary (GA-II).

Porvorim, 4th March, 2005.

#### MINISTRY OF HOME AFFAIRS

New Delhi, the 4th March, 2005.

#### Notification

G.S.R. 156 (E). – The following Proclamation by the President is published for general information:–

Whereas, I, A. P. J. Abdul Kalam, President of India, am satisfied that a situation has arisen in which the Government of Goa cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as the Constitution).

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution, and of all other powers enabling me in that behalf, I hereby proclaim that I –

- a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of the said State;

- b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and

- c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely:–

- i) in the exercise of the functions and powers assumed to myself by virtue of clause (a) of this Proclamation, it shall be lawful for me as President of India to act to such extent as I think fit through the Governor of the said State;

- ii) the operation of the following provisions of the Constitution in relation to the said State is hereby suspended, namely:–

so much of the proviso to article 3 as relates to the reference by the President to the Legislature of the said State;

so much of clause (2) of article 151 as relates to the laying before the Legislature of the said State, of the reports relating to the accounts to be submitted to the Governor of the said State by the Comptroller and Auditor-General of India;

articles 163 and 164;

so much of clause (3) of article 166 as relates to the allocation among the ministers of the business of the Government of the said State;

article 167;

so much of clause (1) of article 169 as relates to the passing of a resolution by the Legislative Assembly of the said State;

clause (1), and sub-clause (a) of clause (2), of article 174;

articles 175 to 178 (both inclusive);

clauses (b) and (c) of article 179 and the first proviso to that article;

articles 180, 181, 188, 189, 193, 194, 196, 198 and clauses (3) and (4) of article 199;

articles 208 to 211 (both inclusive);

the proviso to clause (1) and the proviso to clause (3) of article 213; and

so much of clause (2) of article 323 as relates to the laying of the report as to the work done by the State Public Service Commission in relation to the said State with a memorandum before the Legislature of the said State;

- iii) any reference in the Constitution to the Governor shall, in relation to the said State, be construed as a reference to the President, and any reference therein to the Legislature of the said State shall, in so far as it relates to the functions and powers thereof, be construed, unless the context otherwise requires, as a reference to Parliament, and, in particular, the references in article 213 to the Governor and to the Legislature of the said State, shall be construed as references to the President and to Parliament or the Houses thereof respectively:-

provided that nothing herein shall affect the provisions of article 153, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the second schedule or prevent the President from acting on the sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State;

- iv) any reference in the Constitution to Acts or laws of, or made by, the Legislature of the said State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the said State, by Parliament, by virtue of this Proclamation, or by the President or other Authorities referred to in sub-clause (a) of clause (1) of

article 357 of the Constitution, and the Goa, Daman & Diu General Clauses Act, 1965 (No. 7 of 1965), as in force in the State of Goa, and so much of the General Clauses Act, 1897 (10 of 1897), as applied to State laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the said State.

New Delhi,  
The 4th March, 2005.

(A. P. J. Abdul Kalam)  
President.

(F No. V/11013/1/2005-CSR)

New Delhi,  
The 4th March, 2005.

(Dhirendra Singh)  
Home Secretary.

#### ORDER

New Delhi, Dated the 4th March 2005.

G. S. R. 157(E) – The following Order by the President is published for general information:-

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this, the 4th day of March, 2005, by me under article 356 of the Constitution of India, I hereby direct that all the functions of the Government of the State of Goa and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State.

New Delhi,  
The 4th March, 2005.

(A. P. J. Abdul Kalam)  
President.

(F No. V/11013/1/2005-CSR)

New Delhi,  
The 4th March, 2005.

(Dhirendra Singh)  
Home Secretary.